UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/344,499	06/25/1999	JOHN S. HENDRICKS	5265	9133

				EXAMINER
38598	7590	05/06/2005		KNEPPER, DAVID D

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ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/344,499	HANDRICKS ET AL.
	Examiner	Art Unit
	David D. Knepper	2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 November 2004</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-58</u> is/are pending in the application.

   4a) Of the above claim(s) <u>14-21,35-42 and 55-58</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-13,22-34 and 43-54</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>29 Aug 2002</u>.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

1.   Applicant's correspondence filed on 4 November 2004 has been received and considered.

Claims 1-54 are pending.

2.   The applicant's representative Mr. Sean Wooden (Reg No. 43,997) was called on 20

April 2005 to correct an error in the original restriction requirement regarding claims 14-17

which were originally included as part of group I but should have been part of group IV. Mr.

Wooden confirmed on 22 April 2005 that it is acceptable to correct the groupings as suggested

by the Examiner and that the applicant would continue to elect group I (corrected) without

traverse. The corrected groupings are noted below with the change (claims 14-17) placed in bold

italics as part of group IV.

3.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

> I.   (corrected) Claims 1-13, 22-34, 43-54 drawn to Text to Speech, classified in class
>
>   704, subclass 260.
>
> II.   Claims 18, 19, 39, 40, 55-58 drawn to Speech to Text, classified in class 704,
>
>   subclass 235.
>
> III.   Claims 20, 21, 41, 42 drawn to Security Access, classified in class 704, subclass
>
>   273.
>
> IV.   (corrected) Claims *14-17* and 35-38, drawn to Speech Controlled Systems,
>
>   classified in class 704, subclass 275.

4.   Applicant's election without traverse of invention I (as corrected above) in the reply filed

on 4 November 2004 is acknowledged.

5.   Claims 18-21 and 35-42 are withdrawn from further consideration pursuant to 37 CFR

1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking

claim. Election was made **without** traverse in the reply filed on 4 November 2004.

Abstract

6.   The Abstract of the Disclosure is objected to because it reflects multiple inventions and

should be modified to correspond with the elected invention.   Correction is required.   See

M.P.E.P. § 608.01(b).

Drawings

7.   The drawings are objected to because figures 19-21, 23-26 and 28 only show desired

results that are attributed to other references on pages 47-52. Correction is required.

Priority Claims

8.   The applicant(s) should check their filing receipts and/or the Patent Application

Information Retrieval (PAIR) system for the acknowledgment of their **domestic** priority or

benefit claims (if any) under 35 USC 119(e), 120 or 121 (37 CFR 1.78).

Specification

9.   The disclosure is objected to because of the following informalities:

The disclosure should be modified as necessary to be properly limited to the claimed

invention to avoid extraneous subject matter.

Appropriate correction is required.

Claims

10.   Claim1-13, 22-34 and 43-54 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The only details for performing text-to-speech conversion was found on pages 47-52 which relies upon prior art patents and disclosures that are attributed to ATT&T including reference to an Internet web site.

It is apparent that the applicant did not invent the process nor the combination of elements claimed for conversion of text to speech since the details as described in the specification are attributed to prior art references.

The remainder of the specification fails to support the claimed subject matter but instead supports (at least, it part) the storage of text on well known storage devices so that it may be distributed to people who pay for it in some form of "digital book" (text stored on digital medium). However, it appears that even the transmission method for text is attributed to well known standards such as NABTS and WST (page 13, specification) which can be transmitted through the Internet or other known data transmission paths making it difficult to determine what portion of the disclosure is truly considered by the applicants to be the invention.

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
>
> described as set forth in section 102 of this title, if the differences between the subject
>
> matter sought to be patented and the prior art are such that the subject matter as a whole
>
> would have been obvious at the time the invention was made to a person having ordinary
>
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
>
> by the manner in which the invention was made.

12.   Claims 1-13, 22-34 and 43-46, 49 and 51-54 are rejected under 35 U.S.C. § 103 as being

unpatentable over Holm (5,850,629) in view of Simpson ("Mastering WORDPERFECT® 5.1 &

5.2 for Windows").

        As per claims 1, 22, 28, 43, 51: "providing text-to-speech conversion" is taught by

Holm's text-to-speech (title):

        "displaying a page of an electronic book" (suggested by his display in Figs. 1 and

3 which show windows containing WORDPERFECT® (word processing, col. 3) and Microsoft

Excel (spreadsheet, col. 4) documents – it is common knowledge that these allow a user to define

page attributes and other word processing functions designed to provide the publishing industry

flexibility to manipulate text in a wide variety of common book formats – see column 3, lines 15-

17 which states: Fig. 1 depicts a Windows 30 environment containing a word processing target

application 32 indicating that it would be obvious to use any known word processor and

therefore, any book format that a word processor is capable of supporting);

"receiving a selection of text on the displayed page for conversion to speech" (his

teaching that <u>the user selects text in the open text window 34</u>, col. 3, lines 26-27); and

"converting at least a portion of the selected text into the corresponding speech"

(his teaching that <u>the conversion of the highlighted text 44 begins once the play button 46... is</u>

<u>activated</u>). [Note: for claim 43, the <u>highlighted text</u> portion teaches the claimed "displaying a

section" because this displays the selected or identified text.]

It is noted that Holm does not explicitly use the terms "page" or "electronic book".

However, he teaches that it is obvious to receive text from any application that can display text

data in a window format by using examples such as word processors and spreadsheets as noted

above. It would have been obvious for a person having ordinary skill in the pertinent art, at the

time the invention was made, that the input could come from "pages" of an "electronic book"

because a word processor is capable of displaying text in a page format (see Simpson who shows

that WORDPERFECT® is capable of displaying a variety of page formats on pages 73-74).

Claims 2, 3: Pausing and resuming is taught with the <u>transport</u>, figure 3a.

Claim 4, 25, 44, 52: Providing a definition is taught with his <u>Dictionary</u>, fig. 4.

Claim 5, 26, 49: Adjusting rate is taught by his <u>speed lever 92</u>, figure 4.

Claim 6, 27: Type of voice is taught by his <u>gender selection 84</u>, and <u>frequency lever 94</u>,

figure 4.

Claim 7, 32: See claim 1 above. The production of audio by selecting an audio file

related to the text is an obvious application of well known concatenation techniques taught by

Holm as known prior art in column 1. His teaching is to improve upon this basic technique and

he teaches that his improved audio files <u>are normally stored on the computer hard disk</u> and may

be <u>concatenated and played in real time</u> (col. 6, lines 63-65).

Claims 8, 11, 29: See claim 1 above. Simpson shows that it is notoriously well known to

display pages of text and Holm clearly teaches that his improvement will allow the user a variety

of methods for selecting any desired portion of text for conversion to speech. This teaches that it

is well known to prepare text data in a variety of formats which will allow pages to be displayed

as selected individually or in sequence.

Claims 9-10, 12, 13, 23, 24, 30, 31, 33, 34, 45, 46, 53, 54: Performing a "pause" and

"resume" function is clearly shown with his <u>transport bar</u>, figure 3a.

13.   Claims 47, 48 and 50 are rejected under 35 U.S.C. § 103 as being unpatentable over

Holm (5,850,629) in view of Simpson ("Mastering WORDPERFECT® 5.1 & 5.2 for Windows")

as applied to claim 43 above, in further view of Fawcett (5,802,526).

It is noted that Holm does not explicitly teach displaying images on the screen after text-

to speech begins or providing menu navigation prompts as audible signals. However, Holm

clearly teaches that selected text may be converted to speech designed for use with any Windows

based operating system. Windows based operating systems commonly display a wide variety of

information as shown by Holm in figures 1 and 3-6. In column 6, lines 24-30, for example,

Holm teaches that it is well known to <u>display a pull-down menu</u>. Fawcett teaches that it is

similarly well-known to improve such pull down menus using an <u>Interactive Voice Response</u>

<u>System (IVRS),</u> see abstract and column 15, in combination with a word processing program

(column 8, lines 59-col. 9).

Claims 47, 48 and 50: The combination of displaying JPEG, MPEG and menu navigation is taught by Fawcett as a desirable combination to improve well-known voice based menu systems that can be frustrating or cumbersome to users causing an unnecessary waste of time (col. 2, lines 37-60). Fawcett teaches that visual data as well as IVR can be combined using well-known HTML in column 15, lines 5-16 where he teaches: HTML information can also contain embedded audio...video (e.g. MPEG encoded video, etc.) and pictures (e.g., JPEG encoded still images, ... to further enhance the IVRU menu information. Therefore, it would have been obvious to further improve a Windows based operating system by allowing pull down menus to be improved by embedded image data in combination with voice data describing the desired commands.

Prior Art

14.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references by T.V Raman are cited to show well-known applications on text-to-speech in combination with computer interfaces technologies.

Barnett (4,653,100) is cited to show that it is well known to allow a user to select text from a document desired for text-to-speech conversion.

The nine pages of references submitted by the applicant on 29 Aug 2002 were considered except for the Japanese reference on page 5 because no copy of that reference was found.

It is noted that most of the references cited by the applicant do not seem relevant to the

claimed subject matter. This is mentioned because it may indicate that they were erroneously

cited or that the applicant is not claiming the intended subject matter.

15.   Some correspondence may be submitted electronically. See the Office's Internet Web

site http://www.uspto.gov for additional information.

        Please address mail to be delivered by the United States Postal Service
(USPS) as follows: .

    Mail Stop _____
    Commissioner for Patents
    P.O. Box 1450
    Alexandria, VA 22313-1450

        Fax phone number for Group 2600 is (703) 872-9306

16.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David D. Knepper whose telephone number is (571) 272-7607.

The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

        For the Group 2600 receptionist or customer service call (571) 272-2600.

        Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions

relating to an application or questions on the Private PAIR system should be directed to the

Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the

hours of 6 a.m. and midnight Monday through Friday EST, or by email at ebc@uspto.gov. For

general information about the PAIR system, see http://pair-direct.uspto.gov .

Office Action #2 (FAOM)

David D. Knepper
Primary Examiner
Art Unit 2654
May 3, 2005